

United States Bankruptcy Court
Southern District of New York

In re **Matterhorn Nursery, Inc.**
 Debtor

Case No. **10-23887**

Chapter **11**

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	0.00		
B - Personal Property	Yes	4	4,077,935.27		
C - Property Claimed as Exempt	No	0			
D - Creditors Holding Secured Claims	Yes	2		3,134,120.42	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	6		416,969.52	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	9		1,191,642.75	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	No	0			N/A
J - Current Expenditures of Individual Debtor(s)	No	0			N/A
Total Number of Sheets of ALL Schedules		24			
Total Assets			4,077,935.27		
Total Liabilities				4,742,732.69	

United States Bankruptcy Court
Southern District of New York

In re **Matterhorn Nursery, Inc.**

Debtor

Case No. **10-23887**Chapter **11**

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

- ☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	
Student Loan Obligations (from Schedule F)	
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	
TOTAL	

State the following:

Average Income (from Schedule I, Line 16)	
Average Expenses (from Schedule J, Line 18)	
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column		
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		
4. Total from Schedule F		
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		

In re **Matterhorn Nursery, Inc.**

Case No. **10-23887**

Debtor

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
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None

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether the husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint or Community	Current Value of Debtor's Interest In Property, With- Out Deducting Any Secured Claim or Exemption
1. Cash on hand.	X			
2. Checking, savings or other financial accounts, certificates of deposit or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		TD Bank Checking Account Ending 1297 (Payroll Account)	-	\$4,697.07
		TD Bank Checking Account Ending 1289 (Operating Account)	-	\$576.40
		TD Bank Checking Account Ending 1271 (Operating Account)	-	\$10.94
		JP Morgan Chase Checking Account Ending 3265 (Tax Account)	-	\$297.96
		Hudson Valley Bank Checking Account Ending 9401 (To Pay vendors with 30 Day Terms)	-	\$1,041.87
3. Security deposits with public utilities, telephone companies, landlords, and others.		Orange & Rockland Utilites	-	\$16,000.00
4. Household goods and furnishings, including audio, video, and computer equipment.	X			
5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.	X			
7. Furs and jewelry.	X			

In re **Matterhorn Nursery, Inc.**
DebtorCase No. **10-23887**

(If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint or Community	Current Value of Debtor's Interest In Property, With- Out Deducting Any Secured Claim or Exemption
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X			
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.		See List Annexed Hereto	-	\$434,311.03
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	X			
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			

In re **Matterhorn Nursery, Inc.**
DebtorCase No. **10-23887**

(If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint or Community	Current Value of Debtor's Interest In Property, With- Out Deducting Any Secured Claim or Exemption
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.		License For Home Improvement License No. H-03721-B6-00-00	-	\$0.00
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		See List Annexed hereto	-	\$350,000.00 Approximate
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.		Miscellaneous Desks and Computers	-	\$50,000.00 Approximate
29. Machinery, fixtures, equipment, and supplies used in business.		Miscellaneous Machinery & Equipment	-	\$1,000,000.00 Approximate
30. Inventory.		See List Annexed Hereto	-	\$2,221,000.00
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.		Included in Machinery and Equipment	-	\$0.00

In re Matterhorn Nursery, Inc.
Debtor

Case No. 10-23887
(If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint or Community	Current Value of Debtor's Interest In Property, With- Out Deducting Any Secured Claim or Exemption
34. Farm supplies, chemicals, and feed.		Included in Machinery and Equipment	-	\$0.00
35. Other personal property of any kind not already listed. Itemize.	X			
Total >				\$4,077,935.27

(Report also on Summary of Schedules)

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	H U S B A N D W I F E J O I N T C O M M U N I T Y	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. xxxxxx6667			Purchase Money Security					
CNH Capital America LLC 100 Brubaker Avenue New Holland, PA 17557	X	-	Newhol L185 Skid Steer Loader N6M446084; Newhol L170 Skid Steer Loader LMU030938					
			Value \$ 0.00				Unknown	Unknown
Account No.			All assets of the Debtor					
Farm Credit East, ACA Attn: Blane ALlen 669 East Main Street Middletown, NY 10940	X	-						
			Value \$ 2,221,000.00				3,000,000.00	779,000.00
Account No. xxx5561			Equipment Lease					
Farm Credit Leasing Services 600 Highway 169 South Suite 300 Minneapolis, MN 55426	-		(1) 1999 Freightliner FL70 New Steller Hook Lift, 5 container bodies, et.					
			Value \$ Unknown				Unknown	Unknown
Account No.			Equipment Lease					
Farm Credit Leasing Services 600 Highway 169 South Suite 300 Minneapolis, MN 55426	-		(1) One 05 Tromm 406HM Portable SCreening Plant					
			Value \$ Unknown				0.00	Unknown
Subtotal (Total of this page)							3,000,000.00	779,000.00

1 continuation sheets attached

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E	D E B T O R	H U S B A N D	W I F E	J O I N T	O R	C O M M U N I T Y	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. xxxx0865												
Ford Motor Credit Company 1 American Road Dearborn, MI 48216-2701	X	-										
Value \$											35,570.42	0.00
Account No. xxxx0564												
Kubota Credit Corp. 1025 North Brook Pkwy Suwanee, GA 30024	X	-										
Value \$											98,550.00	98,550.00
Account No.												
Value \$												
Account No.												
Value \$												
Account No.												
Value \$												
Subtotal (Total of this page)											134,120.42	98,550.00
Total (Report on Summary of Schedules)											3,134,120.42	877,550.00

Sheet **1** of **1** continuation sheets attached to
Schedule of Creditors Holding Secured Claims

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)☐ **Domestic support obligations**

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

☒ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$11,725* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to \$5,775* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

☐ **Deposits by individuals**

Claims of individuals up to \$2,600* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

☒ **Taxes and certain other debts owed to governmental units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to maintain the capital of an insured depository institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ **Claims for death or personal injury while debtor was intoxicated**

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

* Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

(Continuation Sheet)

Wages, salaries, and commissions

TYPE OF PRIORITY

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R	H W J C	Husband, Wife, Joint, or Community DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
								AMOUNT ENTITLED TO PRIORITY
Account No.			8/22/10-9/11/10					
Alber Leo Rodriguez 589 New Hempstead Rd. Spring Valley, NY 10977		-					2,100.00	0.00
								2,100.00
Account No.			8/29/10 - 9/11/10					
Alexander Kuzmick 3 Rustic Dr. Airmont, NY 10952		-					1,538.00	0.00
								1,538.00
Account No.			8/22/10-9/11/10					
Barbara Matone 14 Quelch Avenue Stony Point, NY 10980		-					3,000.00	0.00
								3,000.00
Account No.			9/5/10-9/11/10					
Chris Russo 11 Frederick St. Garnerville, NY 10923		-					600.00	0.00
								600.00
Account No.			8/22/10-9/11/10					
Dorothea Matone Brunck 43 W. Shore Dr. Tomkins Cove, NY 10986		-					1,734.00	0.00
								1,734.00
Subtotal								0.00
(Total of this page)							8,972.00	8,972.00

Sheet **1** of **5** continuation sheets attached to
Schedule of Creditors Holding Unsecured Priority Claims

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

(Continuation Sheet)

Wages, salaries, and commissions

TYPE OF PRIORITY

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R	H W J C	Husband, Wife, Joint, or Community DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
								AMOUNT ENTITLED TO PRIORITY
Account No.			8/22/10-9/11/10					
Erick Beza 54 Collins Road Spring Valley, NY 10977		-					1,863.00	0.00
								1,863.00
Account No.			9/5/10-9/11/10					
Fred Mowery 51 Lawland Hill Stony Point, NY 10980		-					600.00	0.00
								600.00
Account No.			9/5/10-9/11/10					
Jeffrey Lane 22 Rustic Drive Airmont, NY 10952		-					230.00	0.00
								230.00
Account No.			8/22/10-9/11/10					
Lynn Drummond 16 East View Rd. Highland Mills, NY 10923		-					1,568.00	0.00
								1,568.00
Account No.			4/25/10-8/25/10					
Matt Horn 227 Summit Park Road Spring Valley, NY 10977		-					2,800.00	0.00
								2,800.00
Subtotal								0.00
(Total of this page)							7,061.00	7,061.00

Sheet **2** of **5** continuation sheets attached to
Schedule of Creditors Holding Unsecured Priority Claims

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

(Continuation Sheet)

Wages, salaries, and commissions

TYPE OF PRIORITY

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R	H W J C	Husband, Wife, Joint, or Community DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
								AMOUNT ENTITLED TO PRIORITY
Account No.			4/18/10-9/11/10					
Matthew Horn 227 Summit Park Rd. Spring Valley, NY 10977		-					4,329.00	0.00
								4,329.00
Account No.			9/5/10-9/11/10					
Noah Schwartz 25 Friend Street Congers, NY 10920		-					1,038.00	0.00
								1,038.00
Account No.			8/22/10-9/11/10					
Pedro Lopez 30 Lafayette Rd. Spring Valley, NY 10977		-					1,975.00	0.00
								1,975.00
Account No.			8/22/10-9/11/10					
Phenuel Julmis 55 Lakeview Village Spring Valley, NY 10977		-					1,989.00	0.00
								1,989.00
Account No.			8/22/10-9/11/10					
Rene Recinos 52 West Street Apt. 2A Spring Valley, NY 10977		-					1,965.00	0.00
								1,965.00
Subtotal								0.00
(Total of this page)							11,296.00	11,296.00

Sheet **3** of **5** continuation sheets attached to
Schedule of Creditors Holding Unsecured Priority Claims

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

(Continuation Sheet)

Wages, salaries, and commissions

TYPE OF PRIORITY

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E	D E B T O R	Husband, Wife, Joint, or Community H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
									AMOUNT ENTITLED TO PRIORITY
Account No.				8/22/10-9/11/10					
Robert Sherwood 232 Birchwood Ave. Nyack, NY 10960			-					2,160.00	0.00
									2,160.00
Account No. x/xx/xxxx-x/xx/2010									
Veronica Horn 227 Summit Park Road Spring Valley, NY 10977			-					3,000.00	0.00
									3,000.00
Account No.				9/5/10-9/11/10					
William Maggio 586 New Hempstead Rd. Spring Valley, NY 10977			-					670.00	0.00
									670.00
Account No.									
Account No.									
Subtotal									0.00
(Total of this page)								5,830.00	5,830.00

Sheet **4** of **5** continuation sheets attached to
Schedule of Creditors Holding Unsecured Priority Claims

In re Matterhorn Nursery, Inc.

Case No. 10-23887

Debtor

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
(Continuation Sheet)

Taxes and Certain Other Debts
Owed to Governmental Units

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)		C O D E B O R	H W J C	Husband, Wife, Joint, or Community	D I S P U T E D	U N L I Q U I D A T E D	C O N T I N G E N T	TYPE OF PRIORITY	AMOUNT OF CLAIM	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
										AMOUNT ENTITLED TO PRIORITY
Account No.				Sales Tax					383,810.52	
NYS Dept. of Taxation & Financ Bankruptcy/Special Procedures P.O. Box 5300 Albany, NY 12205-0300			-				X			0.00
										383,810.52
Account No.										
Account No.										
Account No.										
Account No.										
Subtotal										0.00
(Total of this page)									383,810.52	383,810.52
Total										0.00
(Report on Summary of Schedules)									416,969.52	416,969.52

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	H U S B A N D W I F E J O I N T C O M M U N I T Y	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No. xx8096							
Activant Solutions 804 Las Cimas Parkway Austin, TX 78746	-						12,000.00
Account No.							
Arett Sales 1152 Markkress Road Cherry Hill, NJ 08034	-						14,997.94
Account No.							
Artisan Trellis 2021 Old Bass Lake Road El Dorado Hills, CA 95762	-						1,398.50
Account No.							
Ball Horticulture Company 622 Town Road West Chicago, IL 60185	-						61,697.01
Subtotal (Total of this page)							90,093.45

8 continuation sheets attached

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	H U S B A N D, W I F E, J O I N T, O R C O M M U N I T Y	D A T E C L A I M W A S I N C U R R E D A N D C O N S I D E R A T I O N F O R C L A I M. I F C L A I M I S S U B J E C T T O S E T O F F, S O S T A T E.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	A M O U N T O F C L A I M
Account No. Becker Lee 3 Chestnut Street Spring Valley, NY 10977	-						3,200.00
Account No. Bonnie Plants 1727 Highway 223 Union Springs, AL 36089	-						2,500.00
Account No. Brotzman 6899 Chapel Road Madison, OH 44057	-						2,445.00
Account No. Compendium 600 North 36th Street Suite 400 Seattle, WA 98103	-						443.91
Account No. Down 2 Earth Farms 166 Brainards Road Phillipsburg, NJ 08865	-						7,000.00
Sheet no. 1 of 8 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)
							15,588.91

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No.						
Fred Gloeckner & Company Inc. 600 Mamaroneck Avenue Harrison, NY 10528	-					6,058.24
Account No.						
Griffin Greenhouse & Nursery S PO Box 36 Tewksbury, MA 01876	-					13,305.25
Account No.						
Harleysville Insurance PO Box 198 Harleysville, PA 19438	-					12,103.00
Account No.						
Harry and Judy Baldinger 7 Anjou Lane Monsey, NY 10952	-				X	Unknown
Account No.						
Holmes Farm 117 Cronrath Road Barto, PA 19504	-					2,153.20
Sheet no. 2 of 8 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal (Total of this page)
						33,619.69

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C				
Account No.						
HSP Garden Buildings Ltd. 30a Hempstead Avenue Midenhall, Suffolk England 1P287AS		-				13,646.38
Account No.						
ID Booth 620 William Street Elmira, NY 14902		-				916.00
Account No.						
Islei Nursery Inc. 36518 Treasury Center Chicago, IL 60694-6500		-				5,610.70
Account No.						
Kamlar Corp. 444 Kamlar Drive Rocky Mount, NC 27804		-				3,448.56
Account No.						
Linda Zebrowski 20 Fay Road New City, NY 10956		-				441,121.57
Sheet no. 3 of 8 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal (Total of this page)
						464,743.21

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No.						
Lonsome Cottage Furniture Co. 30671 State Highway 371 Pequot Lakes, MN 56472	-					12,000.00
Account No.						
Lucus Greenhouse 214 Whig Lane Road Monroeville, NJ 08343	-					25,029.10
Account No.						
Maine Bucket Company & Bench S PO Box 1908 Lewiston, ME 04241	-					2,372.00
Account No.						
Matt & Veronica Horn 227 Summit Park Road Spring Valley, NY 10977	-					Unknown
Account No.						
MJ Fitzgerald Nursery Inc 3890 Simpson Creek Rd Morganton, NC 28655	-					5,403.00
Sheet no. 4 of 8 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						
						Subtotal (Total of this page)
						44,804.10

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No.						
Moering USA, LLC 19315 B Carrico Mills Road Stevensburg, VA 22741	-					12,143.35
Account No.						
Monrovia Growers PO Box 406964 Atlanta, GA 30384	-					25,235.79
Account No. xxxxxxxx4941		Elmira Greehouse				
NYSEG PO Box 5234 Binghamton, NY 13902	-					19,452.01
Account No.						
OEHMSE Midwest, Inc PO Box 585 George, IA 51237	-					1,068.25
Account No.						
Orange & Rockland Utilities P.O. Box 1008 Spring Valley, NY 10977	-				X	5,923.34
Sheet no. 5 of 8 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal (Total of this page)
						63,822.74

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community		C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No.							
Paventia Pavers 220 Blvd. Rene-A Robert Ste-Therese Quebec, J7E4L2		-					11,100.82
Account No.							
Peace Tree Farms 295 Park Drive West Kintnersville, PA 18930		-					6,500.00
Account No.							
Plant Group 117 Pond Road Route 207 North Franklin, CT 06254		-					3,865.43
Account No.							
Prides Corner Farm 122 Waterman Road Lebanon, CT 06249		-					20,000.00
Account No.							
Roni Horn 33 5th Avenue New York, NY 10003		-					79,571.16
Sheet no. 6 of 8 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							
Subtotal (Total of this page)							121,037.41

In re **Matterhorn Nursery, Inc.**

Case No. 10-23887

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B E N E F I T A R Y	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM	
		H W J C					DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.
Account No.							
Snyder Manufacturing 255 Rochester Street Unit 1 Salamanca, NY 14779		-				2,835.00	
Account No.							
Southern Foliage 14130 Smith Sundry Road Delray Beach, FL 33446		-				8,692.74	
Account No.							
Supermedia PO Box 610830 Dallas, TX 75261		-				334.00	
Account No.							
The Perennial Farms 12017 Glen Arm Road Glen Arm, MD 21057		-				4,652.00	
Account No.							
Timberland Mulch & Farms PO Box 172 Willis, VA 24380		-				3,850.00	
Sheet no. <u>7</u> of <u>8</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal (Total of this page)	20,363.74

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C				
Account No. xxxxxx4009						
U.S. Small Business Administrt 200 W. Santa Ana Blvd. Ste.180 Santa Ana, CA 92701	-				X	330,052.80
Account No.						
Victoria's Nursery 578 Paramus Road Paramus, NJ 07652	-					2,579.00
Account No.						
Weston Nursery 30 Phipps Street PO Box 186 Hopkinton, MA 01748	-					4,937.70
Account No.						
Account No.						
Sheet no. 8 of 8 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						
Subtotal (Total of this page)						337,569.50
Total (Report on Summary of Schedules)						1,191,642.75

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest. State whether lease is for nonresidential real property. State contract number of any government contract.
CNH Capital America LLC 100 Brubaker Avenue New Holland, PA 17557	Retail Installment Contract Newhol L185 Skid Steer Loader N6M446084; Newhol L170 Skid Steer Loader LMU030938 59 payments of \$988.72 commencing 6/18/2007 with 1 final payment of \$988.74 due on 5/18/2012
Farm Credit Leasing Services 600 Highway 169 South Suite 300 Minneapolis, MN 55426	1) 1999 Freightliner FL70 New Steller Hook Lift, 5 container bodies, et.
Farm Credit Leasing Services 600 Highway 169 South Suite 300 Minneapolis, MN 55426	(1) One 05 Tromm 406HM Portable SCreening Plant
Ford Credit Corp 1 American Road Detroit, MI 48216	Retail Installment Contract 60 Monthly Payments of \$818.93 commencing June 3, 2009
Kubota Credit Corp. 1025 North Brook Pkwy Suwanee, GA 30024	Retail Installment Contract KX161R3AT3 70805 Excavator; R520S2T320064 Wheelloader; R420S2T320182 Wheelloader. 41 monthly payments of \$3169.88 commencing on 6/18/2009 with 1 final payment in the amount of 3169.92 due on 11.18/2012

In re **Matterhorn Nursery, Inc.**Case No. **10-23887**

Debtor

SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
Matt Horn 227 Summit Park Road Spring Valley, NY 10977	Farm Credit East, ACA Attn: Blane ALlen 669 East Main Street Middletown, NY 10940
Matt Horn 227 Summit Park Road Spring Valley, NY 10977	Ford Motor Credit Company 1 American Road Dearborn, MI 48216-2701
Matt Horn 227 Summit Park Rd. Spring Valley, NY 10977	CNH Capital America LLC 100 Brubaker Avenue New Holland, PA 17557
Veronica Horn 227 Summit Park Road Spring Valley, NY 10977	Farm Credit East, ACA Attn: Blane ALlen 669 East Main Street Middletown, NY 10940
Veronica Horn 227 Summit Park Road Spring Valley, NY 10977	Kubota Credit Corp. 1025 North Brook Pkwy Suwanee, GA 30024

**United States Bankruptcy Court
Southern District of New York**

In re **Matterhorn Nursery, Inc.**

Debtor(s)

Case No. **10-23887**

Chapter **11**

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Treasurer of the corporation named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of **26** sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date **October 15, 2010**

Signature **/s/ Veronica Horn**

**Veronica Horn
Treasurer**

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.